

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 ANTONIO RAMOS,

8 Petitioner,

9 vs.

10 JOHN DOE,

11 Respondent.

NO: 4:17-CV-5131-TOR

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING PETITION

12 BEFORE THE COURT is Magistrate Judge Dimke's Report and
13 Recommendation to dismiss Mr. Ramos' Petition for Writ of Habeas Corpus
14 pursuant to 28 U.S.C. § 2254. ECF No. 8. Petitioner, a prisoner at the Washington
15 State Penitentiary, is proceeding *pro se* and *in forma pauperis*. Respondent could
16 not be served.

17 Although granted the opportunity to do so, Petitioner did not amend his
18 petition to name his current custodian as Respondent. There being no objections, **IT**
19 **IS ORDERED** that the Report and Recommendation, ECF No. 8, is **ADOPTED in**
20 **its entirety** and the petition is **DISMISSED** without prejudice for lack of personal


ORDER ADOPTING REPORT AND RECOMMENDATION AND
DISMISSING PETITION -- 1

1 jurisdiction. *See* Rule 2(a), Rules Governing Section 2254 Cases in the United
2 States District Courts; *Stanley v. California Supreme Court*, 21 F.3d 359, 360 (9th
3 Cir. 1994); *Brittingham v. United States*, 982 F.2d 378, 379 (9th Cir. 1992); *Dunne*
4 *v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989).

5 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
6 enter judgment, provide copies to Petitioner, and close the file. The Court certifies
7 that pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could not be
8 taken in good faith, and there is no basis upon which to issue a certificate of
9 appealability. 28 U.S.C. § 2253(c); Fed. R.App. P. 22(b).

10 DATED January 31, 2018.



12 
THOMAS O. RICE
13 Chief United States District Judge